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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,969	12/09/2003	Masayuki Iwasaki	040894-5982	2211

55694 7590 10/18/2006

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
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WASHINGTON, DC 20005-1209

EXAMINER

GIESY, ADAM

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,969

Applicant(s)

IWASAKI ET AL.

Examiner

Adam R. Giesy

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-6 are rejected under 35 U.S.C. 102(a) as being anticipated by Noborimoto et al. (hereinafter Noborimoto - US Doc. No. 2002/0085467 A1).

Regarding claim 1, Noborimoto discloses an aberration correction liquid crystal device to be mounted in an optical pickup apparatus for applying a laser beam emitted from a laser light source onto different types of optical discs, and to be disposed on an optical axis of the laser beam (see abstract), the device comprising: a first electrode section to be placed on the side of the laser light source and having a first electrode pattern for correcting aberration concerning a first optical disc (see Figure 5, element 33 – this electrode contains electrode patterns 36a); a second electrode section to be placed on the side of the optical disc and having a second electrode pattern for correcting aberration concerning a second optical disc different from the first optical disc in type (element 34 – this electrode contains electrode pattern 38); and a liquid crystal being sandwiched between the first and the second electrode sections (32).

Regarding claim 2, Noborimoto discloses all of the limitations of claim 1 as discussed in the claim 1 rejection above and further that in correcting the aberration concerning the first optical disc, the first electrode pattern is applied with a voltage and

the second electrode pattern is placed in equipotential state (see page 5, paragraph 0061).

Regarding claim 3, Noborimoto discloses all of the limitations of claim 1 as discussed in the claim 1 rejection above and further that in correcting the aberration concerning the second optical disc, the second electrode pattern is applied with a voltage and the first electrode pattern is placed in equipotential state (see pages 5 and 6, paragraph 0063).

Regarding claim 4, Noborimoto discloses an optical pickup apparatus that read or write information from or onto different types of optical discs (see abstract), the optical pickup apparatus comprising: a laser light source configured to emit a laser beam (Figure 1, element 11); an object lens configured to converge the laser beam on an optical disc (element 15); and an aberration correction liquid crystal device configured to be disposed between the laser light source and the object lens, and on an optical axis of the laser beam (31), wherein the aberration correction liquid crystal device comprises: a first electrode section to be placed on the side of the laser light source and having a first electrode pattern for correcting aberration concerning a first optical disc (see Figure 5, element 33 – this electrode contains electrode patterns 36a); a second electrode section to be placed on the side of the optical disc and having a second electrode pattern for correcting aberration concerning a second optical disc different from the first optical disc in type (element 34 – this electrode contains electrode pattern 38); and a liquid crystal being sandwiched between the first and the second electrode sections (32).

Regarding claim 5, Noborimoto discloses all of the limitations of claim 4 as discussed in the claim 4 rejection above and further that in correcting the aberration concerning the first optical disc, the first electrode pattern is applied with a voltage and the second electrode pattern is placed in equipotential state (see page 5, paragraph 0061).

Regarding claim 6, Noborimoto discloses all of the limitations of claim 4 as discussed in the claim 4 rejection above and further that in correcting the aberration concerning the second optical disc, the second electrode pattern is applied with a voltage and the first electrode pattern is placed in equipotential state (see pages 5 and 6, paragraph 0063).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Kobayashi (US Doc. No. 2002/0085465 A1) discloses an aberration adjustment method via liquid crystal sandwiched in between two electrodes.

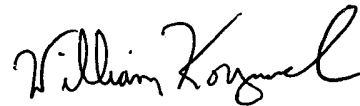
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam R. Giesy whose telephone number is (571) 272-7555. The examiner can normally be reached on 8:00am- 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARG 10/11/2006

A handwritten signature in black ink, appearing to read "Adam R. Gies", with a long horizontal flourish extending from the end.A handwritten signature in black ink, appearing to read "William Korzuch", in a cursive style.

WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600